

Tuesday, January 26, 2016

The Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, met in regular session at 9:00 AM.

PRESENT: Supervisors: Frank R. Mecham, Bruce S. Gibson, Adam Hill, Debbie Arnold and Chairperson Lynn Compton

ABSENT: None

THE PLEDGE OF ALLEGIANCE IS LED BY CHAIRPERSON LYNN COMPTON.

Consent Agenda – Review and Approval:

1-18. This is the time set for consideration of the Consent Agenda.

Chairperson Compton: opens the floor to public comment.

The action taken for Consent Agenda items 1 through 18 on the following vote is indicated for each item.

Motion by: Bruce S. Gibson
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Bid Opening:

- 1.** Letter transmitting plans and specifications (Clerk’s File) for the Buckley Road Two Way Left Turn Lane Project in San Luis Obispo for project approval, advertisement for construction bids, and find that the project is exempt from Section 21000 et seq. of the California Public Resources Code (CEQA). Bid opening date set for Thursday, February 25, 2016. District 3.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Administrative Office Items:

- 2.** Request to approve an employment agreement with Will Clemens as the Director of Central Services. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Auditor - Controller - Treasurer - Tax Collector Items:

- 3.** Request to approve an interim CPI rate adjustment and tipping fee pass-thru costs for garbage hauling services provided by Paso Robles Country Disposal and San Miguel Garbage Company. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Board of Supervisors Items:

- 4.** Request to appoint Christina Noffz to the San Luis Obispo Commission on the Status of Women. District 3.

The Board approves as recommended by the County Administrative Officer.

5. Request to ratify a resolution recognizing John Spatafore for receiving the San Luis Obispo Chamber of Commerce 2015 "Citizen of the Year" Award. All Districts.

Mr. Dane Senser: speaks.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-11, adopted.

6. Submittal of a resolution recognizing January 24-30, 2016 as School Choice Week in San Luis Obispo County. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-12, adopted.

7. Request to appoint Erica Stewart to the Civil Service Commission. District 3.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - District Attorney Items:

8. Request to approve renewal contracts (Clerk's Filed) for \$26,301 each between the County and the Women's Shelter Program of San Luis Obispo and RISE for disbursement of County Domestic Violence Program Special Fund Monies and Battered Women's Shelter Trust Account Monies. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Human Resources Items:

9. Submittal of a resolution for Confidential employees, Bargaining Unit 11, approving wage increases for certain classifications with that bargaining unit determined to be significantly below market and to maintain salary parity with their non-confidential counterparts in the San Luis Obispo County Employees' Association. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-13, adopted.

10. Submittal of a resolution amending the 2014-2016 Memorandum of Understanding between the County of San Luis Obispo and the San Luis Obispo County Employees' Association Trades, Crafts, and Services Unit, Bargaining Unit 02, modifying compensation for certain classifications determined to be significantly below market in accordance with Article 12 Salaries. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-14, adopted.

11. Submittal of three (3) resolutions amending the 2014-2016 Memoranda of Understanding between the County of San Luis Obispo and the San Luis Obispo County Employees' Association Public Services Unit, Bargaining Unit 01, Supervisory Unit, Bargaining Unit 05, and Clerical Unit, Bargaining Unit 13, modifying compensation for certain classifications determined to be significantly below market in accordance with Article 8 Salaries. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NOS. 2016-15, 2016-16, and 2016-17, adopted.

Consent Agenda - Planning & Building Items:

12. Submittal of a resolution approving and accepting an Open Space Agreement Granting an Open Space Easement to the County of San Luis Obispo for Minor Use Permit DRC2012-00085 with Russell E.

Charvonía and Linda L. Charvonía, Trustees of the Charvonía Revocable Living Trust dated November 11, 2004. District 2.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-18, adopted.

Consent Agenda - Parks & Recreation Items:

13. Submittal of a resolution amending the Position Allocation List (PAL) for Fund Center 305 Parks, by adding a 1.00 Full Time Equivalent (FTE) Parks Superintendent. All Districts.

This item is amended, per the Addendum to the Agenda, to include the "Strategic Plan" attachment that was inadvertently omitted. Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board. RESOLUTION NO. 2016-19, adopted.

Consent Agenda - Public Works Items:

14. Request to approve a sole source agreement for professional environmental consulting services with SWCA Environmental Consultants (SWCA) in an amount not to exceed \$143,224 for the Oak Shores Wastewater Treatment Plant Upgrade Project Supplemental Environmental Impact Report (SEIR); and a budget adjustment in the amount of \$143,224 for the corresponding appropriation to Fund Center 20103. District 1.

This item is amended, per the Addendum to the Agenda, to include Exhibits A, B, and C to the agreement with SWCA which were inadvertently omitted. Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board.

15. Submittal of a resolution vacating a portion of Front Street south of Nipomo Street and the portion of the alley way in Block 55 (paper street) by Summary Vacation, and finding that the project is exempt from Section 21000 et seq. of the California Public Resources Code (CEQA), in the unincorporated community of Oceano. District 4.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-20, adopted.

16. Submittal of a resolution approving the Geneseo Road Bridge at Huerhuero Creek Project and adopting the Mitigated Negative Declaration pursuant to Section 21000 et seq., of the California Public Resources Code (CEQA), and directing staff to proceed with associated project development activities. District 5.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-21, adopted.

17. Submittal of resolutions amending the Position Allocation List (PAL) for Fund Center 405 – Public Works, by deleting 1.00 Full Time Equivalent (FTE) Solid Waste Coordinator III and adding 1.00 FTE Principal Environmental Specialist, and amending the PAL for Fund Center 142 - Planning and Building, by adding 1.00 FTE Program Manager. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NOS. 2016-22 and 2016-23, adopted.

Consent Agenda - Veterans Services Items:

18. Request to approve an amendment to the contract between the County and Community Action Partnership of San Luis Obispo (CAPSLO) for CAPSLO's expansion of Supportive Services for Veterans Families (SSVF) program to provide a wider area of coverage by amending the Position Allocation List (PAL) for Fund Center 186 - Veterans Services to delete 1.00 Full Time Equivalent (FTE) Limited Term Assistant Veterans Services Officer position. All Districts.

Mr. Paul Porter - Interim Veterans Services Director: replaces the contract.

This item is amended by replacing the contract with one that contains signatures. Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board. RESOLUTION NO. 2016-24, adopted.

Presentations:

19. Submittal of resolution recognizing Charles Sechrist for 30 years of County service. All Districts.

Mr. Tom Bordonaro – County Assessor: speaks to Jay’s history with the Assessor’s Department.

Mr. Charles “Jay” Sechrist: speaks.

Chairperson Compton: opens the floor to public comment without response.

RESOLUTION NO. 2016-25, a resolution commending Charles (Jay) Sechrist in recognition of thirty years of service with San Luis Obispo County, adopted.

Motion by: Frank R. Mecham
Second by: Debbie Arnold

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

20. Submittal of a resolution proclaiming January 15 - February 29, 2016 as "Coastal Discovery and Stewardship Month" in San Luis Obispo County. All Districts.

Ms. Laila Fiege-Kollmann – San Luis Obispo County Business Tourism Improvement District (CBID) Vice Chairperson (Whale Trail Document): speaks.

Chairperson Compton: opens the floor to public comment.

Mr. Eric Greening: speaks.

RESOLUTION NO. 2016-26, a resolution proclaiming January 15 - February 29, 2016 as “Coastal Discovery and Stewardship Month” in San Luis Obispo County, adopted.

Motion by: Bruce S. Gibson
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Public Comment Period:

21. This is the time set for members of the public to address the Board on matters that are not scheduled on the agenda.

Mr. Dane Senser: discusses his intention for displaying a sign "Hands Out - Show Love & Respect Nothing Else Matters, Don’t Show Love and Respect... Nothing Else Matters".

Mr. Eric Greening: comments on the Board's recent action on the sewage sludge land application ordinance; and the need for more specificity in County Counsel’s legal opinions.

Ms. April McLaughlin: speaks to a District 3 Candidate Forum on January 28, 2016 at the Avila Beach Community Center.

Mr. Ben DiFatta: states local and State officials should be looking out for their constituents and highlights recent examples of what should not occur.

Dr. C. Hite: comments on the Taiwan Government and their first elected woman President.

Ms. Linde Owen: speaks to matters regarding: John Wallace and Associates; a recent lateral hookup workshop; and a septic tank management program for the Los Osos Wastewater Project (LOWWP).

Mr. Keith Wimer - Local Chapter of the Sierra Club, Water Committee Chairperson (document) and Mr. Chuck Cesena: address ways to utilize the LOWWP Conservation Grant funds.

Mr. Jerry Reaugh – Paso Robles Agricultural Alliance for Groundwater Solutions (PRAAGS) Chairperson: requests the Flood Control District consider allocating Nacimiento Water to “North County Rural Overliers.”

Mr. Richard Margetson: reads from a transcript of the last Regional Water Board meeting concerning water going to dry land farming.

Supervisor Hill: asks Ms. Laurel Weir to address the Homeless Services Oversight Council’s request, with Ms. Weir stating the Council passed a motion to ask County and Local Governments to agendize a discussion regarding a “Shelter Crisis Declaration” and consider making Government Buildings available for shelter during the winter.

The Board agendizes a discussion regarding emergency shelter on Tuesday, February 2, 2016 as an added corrigenda item.

Motion by: Adam Hill
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Hearings:

22.
- Hearing to consider ordinance amending Title 21 of the County Code (Real Property Division Ordinance) by requiring all parcel maps and tract maps to be referenced to the California State Plane Coordinate System and require parcel maps to be based on a field survey. All Districts.

Chairperson Compton: opens the floor to public comment without response.

The reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3314, an ordinance amending Title 21 of the San Luis Obispo County Code, the Real Property Division Ordinance, Chapter 21.06, relative to Parcel Maps and Tract Maps content and form, and Parcel Maps based on a field survey, adopted.

Motion by: Frank R. Mecham
Second by: Bruce S. Gibson

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			

Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

23. Hearing to consider two appeals by Matthew Ferinni/Beth Katsaris and Fred Vernacchia of the Hearing Officer’s approval of a request by Forster-Gill, LLC for a Minor Use Permit/Coastal Development Permit DRC2014-00140 to allow modifications to an existing restaurant for patio seating, temporary patio/rain covers, and expanded operational hours, located at 268 Front Street in the Community of Avila Beach. District 3.

Board Members: report their ex-parte communications relating to this hearing.

Mr. Roy Ogden – representing Matthew Ferinni and Beth Katsaris, Appellants (video) and Mr. Fred Vernacchia – Appellant: address their concerns with the project.

Mr. Tim Gill - Forster-Gill, LLC, Applicant: speaks.

Chairperson Compton: opens the floor to public comment without response.

Mr. Gill and Mr. Odgen: provide closing statements.

Board Member deliberations occur, discussing the smoke from the pizza oven; the patio’s hour of operation; clean up time; and Condition No. 18.

Supervisor Mecham: states he cannot support denial of the appeal until something is done to eliminate the smoke going to towards the neighbor.

On motion by Adam Hill, seconded by Bruce S. Gibson, to partially deny the appeals, amending the hours of operation, is discussed.

Supervisor Arnold: addresses concern that Condition No. 18 only applies to the kitchen and not pizza oven, with Mr. Jim Bergman - Planning and Building Director presenting the original language to Condition No. 18 from the Minor Use Permit.

Mr. James Caruso – Planning and Building: reads and presents modifications to the hours of operation, Condition Nos. 15 and 16.

Chairperson Compton and Supervisor Arnold: state more reassurance is needed on the smoke issue.

The Board partially denies the appeals; and amends the Conditions of Approval as follows: No. 15, Subsection b., changing the patio hours from “7:00 a.m. to 9:30 p.m.” to “7:00 a.m. to 10:30 p.m.”; and No. 16, adding a sentence that reads: “Clean up activities must end by 11:30 p.m.”

Motion by: Adam Hill
Second by: Bruce S. Gibson

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)		x		
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)		x		
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)		x		

The motion on the floor fails.

A discussion occurs regarding the applicability of Condition No. 18 to the project; code enforcement; and various potential methods of eliminating smoke and order.

A motion by Supervisor Debbie Arnold, to apply Condition No 18 to the site, is discussed.

Mr. Dan Buckshi - County Administrative Officer: clarifies the motion would be to deny the appeals; make the two adjustments to the hours of operation, as previously discussed; and apply Condition No.

18 to the entire restaurant operation, with the motion maker concurring and Supervisor Frank. R. Mecham seconding the motion.

Mr. James Caruso - Department of Planning and Building: reviews the changes to the Conditions of Approval, modifying Conditions Nos. 15 and 16 regarding the hours of operation; and adding a new Condition No. 21 that restates language from Condition No. 18 that came from the original Minor Use Permit.

The Board amends the Conditions of Approval as follows: No. 15, Subsection b., changing the Patio hours of operation from “7:00 a.m. to 9:30 p.m.” to “7:00 a.m. to 10:30 p.m.”; No. 16, by adding a sentence that reads: “Clean up activities must end by 11:30 p.m.”; and adding a new Condition No. 21, that reads: “Pizza Oven. Prior to occupancy of the proposed patio, the applicant agrees to install the most technologically advanced and effective filters and carbon absorbing systems to minimize odors on the property and adjacent sites. Exterior vents shall be placed and designed so as to minimize the effect of emissions.” Furthermore, RESOLUTION NO. 2016-27, a resolution denying the appeals of Matthew Ferinni, Beth Katsaris and Fred Vernacchia and affirming the decision of the Planning Department Hearing Officer and conditionally approving the application of Forster-Gill, LLC for a minor use permit/ coastal development permit DRC2014-00140, adopted as amended.

Motion by: Debbie Arnold
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Board Business - Public Works - Board Sitting as Flood Control District

24. Submittal of the final report from the Paso Robles Groundwater Basin Advisory Committee (Committee) and consideration of allowing the Committee to sunset pursuant to the adopted bylaws. Districts 1 and 5.

Ms. Sue Luft – Paso Robles Groundwater Basin Advisory Committee Chairperson: speaks.

Chairperson Compton: opens the floor to public comment.

Mr. Bob Brown; Mr. Jerry Reaugh – Paso Robles Agricultural Alliance for Groundwater Solutions (PRAAGS) Chairperson; Mr. Dale Gustin; and Ms. Patricia Wilmore – Paso Robles Wine Country Alliance Government Affairs Coordinator: speak.

The Board, acting as the San Luis Obispo County Flood Control and Water Conservation District: 1) receives the final report from the Committee; and 2) allows the Committee to sunset on January 28, 2016, pursuant to the adopted bylaws.

Motion by: Frank R. Mecham
Second by: Debbie Arnold

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Closed Session Items:

25. The Board announces they will be going into Closed Session regarding:

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Government Code section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items: (1) Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of section 54956.9. Number of potential cases: Three; (2) Initiation of litigation pursuant to paragraph (4) of subdivision (d) of section 54956.9. Number of potential cases: Three.

CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION (Government Code section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items: Existing Litigation (Gov. Code, section 54956.9(a)). (Formally initiated.) (3) ARB, Inc. v. County of San Luis Obispo; (4) Steinbeck Vineyards #1, LLC, et al. v. County of San Luis Obispo, et al.; (5) San Luis Obispo County Flood Control and Water Conservation District v. Southern California Pipeline Construction, Inc., et al.

CONFERENCE WITH LABOR NEGOTIATOR (Government Code section 54957.6.) It is the intention of the Board to meet in closed session to have a conference with its Labor Negotiator, Tami Douglas-Schatz, concerning the following employee organizations: (6) San Luis Obispo Government Attorney’s Union (SLOGAU); (7) San Luis Obispo County Employees Association – Trades and Crafts (SLOCEA-T&C); (8) Deputy County Counsel’s Association (DCCA); (9) Sheriffs’ Management; (10) San Luis Obispo County Probation Peace Officers’ Association (SLOCPPOA); (11) Deputy Sheriff’s Association (DSA); (12) District Attorney Investigators’ Association (DAIA); (13) San Luis Obispo County Probation Managers’ Peace Officers’ Association (SLOCPMPOA); (14) San Luis Obispo County Employees Association – Public Services, Supervisors, Clerical (SLOCEA – PSSC); (15) Unrepresented Management and Confidential Employees; and (16) Association of San Luis Obispo County Deputy Sheriffs (ASLOCDS).

(Added Closed Session, per the addendum to the agenda. CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION (Government Code section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items: Existing Litigation (Gov. Code, section 54956.9(a)). (Formally initiated.) (17) Verizon California, Inc. v. California State Board of Equalization, et al. Requirements of the Brown Act have been satisfied as this notice was posted prior to the 72 hour noticing requirement.)

Chairperson Compton: opens the floor to public comment without response.

Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: no report required as no final action was taken and the Board goes into Open Public Session.

Board Business:

- 26. Submittal of a resolution authorizing: 1) the surplus and sale of County-owned real property at 900 Main Street in Cambria by public auction; and 2) a budget adjustment to repay the Cambria Friends of the Library and reduce an outstanding loan to the County's Building Replacement Fund, by the amount of the net proceeds of sale less costs of sale. District 2.

Chairperson Compton: opens the floor to public comment without response.

Ms. Shauna Dragomir, Real Property Manager: states no sealed written bids were received by the January 25, 2016 5:00 p.m. deadline; and requests the public auction not be rescheduled at this time to allow staff to have discussions with another governmental agency regarding potential interest in negotiating on the property.

The Board postpones rescheduling the public auction of the Main Street Property, until such time, as staff is able to negotiate with the unnamed governmental agency.

Motion by: Bruce S. Gibson

Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			

Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

27. Submittal of a resolution authorizing: 1) the surplus and sale of County-owned real property at 790 and 800 Cornwall Street in Cambria by public auction; and 2) a budget adjustment to repay the Cambria Friends of the Library and reduce an outstanding loan to the County's Building Replacement Fund, by the amount of the net proceeds of sale less costs of sale. District 2.

Chairperson Compton: opens the floor to public comment without response.

Ms. Shauna Dragomir, Real Property Manager: states no sealed written bids were received by the January 25, 2016 5:00 p.m. deadline; and presents a new resolution, with no changes in terms, rescheduling the public auction to Tuesday, May 10, 2016.

The Board reschedules the public auction to Tuesday, May 10, 2016 and RESOLUTION NO. 2016-28, a sixth amended resolution of intention to surplus and sell County-owned real property in the unincorporated area of Cambria, adopted.

Motion by: Bruce S. Gibson
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

On motion duly made and unanimously carried, the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, does now adjourn.

I, **TOMMY GONG**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, January 26, 2016, by the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

TOMMY GONG, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors

By: /s/ Annette Ramirez, Deputy Clerk-Recorder

DATED: January 27, 2016